

Application No. 10/003,471
Amendment Dated: February 22, 2008
Response to Final Office Action of November 7, 2007
Attorney Docket No.: C063

Remarks/Arguments:

Claims 19-29 are in the application. Claim 19 is in independent form.

Specification

The Examiner notes that 37 C.F.R. 1.72 requires that the title of the invention should be descriptive, brief and technically accurate. The title is amended to be: "Scholarship Award Method Using Voting."

Examiner's General Comments

The Examiner states that with regard to claims 1 and 6, it is unclear how confirming by e-mail is being performed. Claim 1 and 6 are cancelled.

The Examiner notes that "All scholarships have requirements, conditions or eligibility criteria that a candidate or a recipient must satisfy before he/she can receive a scholarship award." The Examiner is apparently explaining why the claimed invention would not have been obvious. In the present invention, there are none of the usual "requirements, conditions or eligibility criteria." Scholarships are awarded based on votes received on the web site, without regard for the standards, such as academic merit, financial need, or membership in a group.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-18 are being rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,062,462 to Ireland et al. ("Ireland").

In the prior art, scholarships are typically awarded by a scholarship committee or individual at an institution, based on specified standards. The voice of eligible students in the scholarship awarding process is limited to what they provide in their applications and to what, if anything, they otherwise communicate to the committee. The scholarships are awarded and determined exclusively based on traditional criteria such as academic merit, need or special circumstances, or being a member of a specified group. Scholarships are ordinarily awarded by

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committees after a careful review of competing applications, considering which students are likely to succeed at the institution or which students have a financial need. Embodiments of the claimed invention totally dispense with this mechanism leaving the decision to the students themselves.

Academic papers which teach on the topic of higher education administration teach away from the invention. According to Hoy and Tarter (see attached article), the basis for extending democratic control in decision-making in higher education administration rests on three criteria: a) relevance; b) trust; and c) expertise. Only in the circumstance where the decision is relevant to the subordinate, the subordinate can be trusted with control, and the subordinate has the expertise to exercise control is it taught that democratic power be extended. As to trusting students to make decisions about whom among them should receive scholarship money, students are not generally viewed as having the expertise to make such a determination. Further, particularly in view of the fact that numerous lawsuits have been filed against scholarship granting agencies, trust is not ordinarily extended to decision makers unless those decision-makers have high credentials. The invention boldly dispenses with these constraints and extends decision power to the students. With regard to relevance, the decision of who is awarded a scholarship is less relevant to the web voters than to the administration of the school that the student will attend, which would indicate not to delegate the scholarship decision to the web voters.

Claim 19 states "providing a form on the web site through which a nominee or a member of the general public may cast a vote for one or more nominees." As described above, in the prior art, neither a nominee for a scholarship nor a member of the general public has an opportunity to vote for one or more nominees for the scholarship. Claim 19 also states: "announcing a scholarship winner or scholarship winners from among the nominees according to either a) the number of votes cast by nominees for those winners, or b) the number of votes cast by nominees and the general public for those winners." As described above, awarding a scholarship not based on academic achievement or financial need, but based on the number of votes cast by nominees or nominees and the general public, is contrary to the teachings of the

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prior art of scholarships awards. Applicants' submit that the Examiner's own statement in his General Comments that: "All scholarships have requirements, conditions or eligibility criteria that a candidate or a recipient must satisfy before he/she can receive a scholarship award" shows that the invention, in which scholarships are awarded by a vote of nominees or the general public without any academic or financial requirements, is counterintuitive, unexpected, and contrary to current practice.

Ireland teaches a method and apparatus that enables a user to receive a financial aid package from an educational institution. Col. 1, lines 15-21. Ireland does not address how the financial aid is awarded. Thus, Ireland does not teach "providing a form on the web site for use in nominating a college student or prospective college student for potential receipt of a scholarship;" "providing a form on the web site through which a nominee or a member of the general public may cast a vote for one or more nominees;" or "at the end of a given period, announcing a scholarship winner or scholarship winners from among the nominees according to either a) the number of votes cast by nominees for those winners, or b) the number of votes cast by nominees and the general public for those winners."

With regard to the cancelled claims, applicants agree with the Examiner that voting is well known in many applications. Applicants submit that the claimed method of voting to award scholarships is novel and against the conventional wisdom of scholarship awards and decision making in academia. Applicants submit, therefore, that the present invention is patentable over the prior art of record.

To facilitate examination, applicants point to examples of support in the specification for the new claims. Additional support may also be found at other locations in the specification.

Claim No.	Claim element	Support
19	Preamble	Claim 1 as originally filed
	1	[0019]
	2	[0013][0028]

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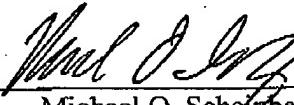
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	3	[0005]
20		[0034]
21		[0034]
22		[0034]
23		[0034]
24		[0035]
25		[0021]
26		[0020]
27		[0027][0021]
28		[0028]
29		[0029]

Applicants submit that all claims are allowable and respectfully requests reconsideration and allowance of the application.

Respectfully submitted,

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